

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

DLJ MORTGAGE CAPITAL, INC.,)	
)	
Plaintiff,)	
)	
vs.)	Civil No. 16-cv-62
)	
ROBERT L. KING, MYTSOKO KING,)	ACTION FOR DEBT AND
FIRST BANK PUERTO RICO, INTERNAL)	FORECLOSURE OF REAL
REVENUE SERVICE OF THE UNITED)	PROPERTY MORTGAGE
STATES OF AMERICA, and JOHN DOE,)	
)	
Defendants.)	
)	

**JOINT REPORT OF THE PARTIES
AND
PROPOSED SCHEDULING AND DISCOVERY ORDER**

Pursuant to Federal Rules of Civil Procedure 26(f), an initial conference of the parties was held on December 21, 2016 with attorneys for the Plaintiff and Defendants Robert L. King, Mytsooko King, FirstBank Puerto Rico and the Internal Revenue Service of the United States of America participating:

Scheduling and discovery plans were discussed and agreed as follows:

1. Initial interrogatories and requests to produce regarding all issues, pursuant to Federal Rules of Civil Procedure 33 and 34 shall be served by opposing parties by February 10, 2017. The presumptive limits of ten (10) depositions per side as set forth in Rule 30(a)(2)(A), Fed. R. Civ. P., and twenty-five (25) interrogatories per party as set forth in Rule 33(a), Fed. R. Civ. P., shall apply in this case.
2. Motions to amend the pleadings, including the commencement of a third party action, shall be filed on or before April 10, 2017.
3. Plaintiff's depositions shall be taken by April 30, 2017.
4. Defendants' depositions shall be taken by April 30, 2017.
5. All expert witnesses and their qualifications shall be disclosed pursuant to Federal Rule of Civil Procedure 26(a)(2) on or before August 31, 2017.

6. All written reports prepared and signed by expert witnesses pursuant to Federal Rule of Civil Procedure 26(a)(2) shall be disclosed on or before September 30, 2017.

7. Depositions of all expert witnesses must be taken by December 30, 2017.

8. The parties CERTIFY that they have discussed, in particular, the proportionality of discovery, the burden and expense associated with discovery, and the discovery of electronically stored information (ESI). The parties have submitted to the Court a joint proposed ESI protocol. The protocol contains mechanisms for addressing party topics concerning ESI including sources of information, search terms, format of production and preservation of ESI by both Plaintiff and Defendants.

9. Fact discovery, including depositions, shall be completed by April 30, 2017. Any written interrogatories or request for production served after the date of the Scheduling and Discovery Order shall be served by the date that allows the served parties the full 30 days as provided by the Federal Rules of Civil Procedure in which to answer or produce by the discovery cut-off date.

10. All dispositive motions and *Daubert* motions shall be filed by October 31, 2017. Dispositive motions filed after that date will be considered only with leave of Court to do so.

11. The parties understand that, prior to filing any motions concerning discovery, they must first meet and confer relating to any discovery disputes and then contact the court to arrange a telephone dispute conference if they are unable to resolve their dispute. If the dispute cannot be resolved in the first telephone conference, the Court will establish a mechanism for submitting written positions to the Court for its consideration on an expedited basis.

12. This matter shall be referred to mediation no later than June 30, 2017.

13. The parties shall file a joint pretrial memorandum not later than November 30, 2017, or as otherwise ordered by the Court.

14. A final pretrial conference shall take place on December 15, 2017, or as otherwise ordered by the Court.

15. The date by which this matter should be reasonably expected to be ready for trial is January 15, 2018.

Dated: December 29, 2016

/s/ Peter J. Lynch

Peter J. Lynch, Esq.
P.O. Box 308351
St. Thomas, VI 00803
Tel.: (340) 228-6562
Email: Peter@LynchLawOffice.com

Counsel for the Plaintiff

Dated: December 29, 2016

/s/ Benjamin A. Currence

Benjamin A. Currence, Esq.
VI Bar No. 115
5043 (11A) Norre Gade, Ste. 4
P.O. Box 6143
St. Thomas, VI 00804-6143
Tel.: (340) 775-3434
Email: bencurrence@gmail.com

Counsel for the King Defendants

Dated: December 29, 2016

/s/ Marjorie Whalen

Marjorie Whalen, Esq.
VI Bar No. R2019
Kellerhals Ferguson Kroblin PLLC
Royal Palms Professional Building
9053 Estate Thomas, Suite 101
St. Thomas, VI 00802
Tel.: (340) 779-2564
Email: mwhalen@kellfer.com

Counsel for FirstBank

Dated: December 29, 2016

/s/ Sansara A Cannon

Assistant U.S. Attorney
Office of the U.S. Attorney
Ron de Lugo Federal Building
5500 Veterans Drive, Suite 260
St. Thomas, VI 00802-6424
Tel.: (340) 774-5757
Email: sansara.cannon@usdoj.gov

Counsel for the Internal Revenue Service